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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,337	02/13/2001	Natarajan S. Ramesh	CSAC-0009	9820

28236 7590 08/26/2004

CRYOVAC, INC.
SEALED AIR CORP
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DUNCAN, SC 29334

EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/782,337

Applicant(s)

RAMESH ET AL.

Examiner

Victor S Chang

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached NOTE.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached NOTE.
6. ☒ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-7,9,10,13-16,18,19,22,23 and 29-31.

Claim(s) withdrawn from consideration: 24-27.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

NOTE

1. The After Final Amendment is not entered. It is noted that the proposed amendments to claim 24 (withdrawn) to amend the process limitation from "adhering" to ---heat-laminating-- clearly changes the scope of the method claims, and raises new issues.
2. Mr. Ramesh's Declaration has not been entered. It is untimely to submit a Declaration after Final Office action, because it requires further consideration and Applicants have not provided good and sufficient reason why this Declaration has not been present earlier. With respect to Applicants' comment "Examiner Chang suggested entry of an additional declaration from Dr. Ramesh, including specific experimental data such as process temperatures and line speed of the heat lamination process ..." (Remarks, pages 5-6, bridging paragraph), the Examiner wish to clarify that (see Interview Summary dated 5/6/2004) Examiner merely points out the deficiencies in the previous Declaration, and suggests what evidentiary supports would be adequate in a Declaration, then the Examiner would be able to reconsider the patentability of the invention based on a properly filed Declaration.
3. With respect to Applicants' argument "The statements of Akao support a conclusion that the present invention is not obvious ...", Examiner repeats that while Akao teaches a different lamination process (see page 4 of Office action dated 4/1/2004), i.e., Akao teaches that the adhesive layers used to bond the film layers may be comprised of various adhesives such as low-density polyethylene adhesives, etc.

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(column 3, lines 1-9), as shown in Example 1, the combined teachings of Akao and Foster still read on the instant invention, because after lamination each of the outer polyolefin film and the low density polyethylene adhesive is believed to form an integral polyolefin film. Further, with respect to the product-by-process recitation "heat-laminated to" in claim 1, the Examiner again repeats that the method limitation has not been shown on the record to produce a patentably distinct article, as such the formed articles are rendered *prima facie* obvious.

4. Finally, upon a cursory review of the Office action dated 4/1/2004, the Examiner now withdraws the rejection in section 5, under 35 U.S.C. 112, first paragraph, because it appears to be improper. It is noted that the relied upon prior art Akao lacks a specific processing condition or an example to exclude the processing condition of instant invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V&C

Victor S Chang
Examiner
Art Unit 1771

8/19/04


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700